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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,776	06/27/2003	Norman K. Huppert	20025CIP-HI	6451
33621	7590	03/29/2005	EXAMINER	
EDWARD D. GILHOOLY 28 E. JACKSON BLVD. SUITE 423 CHICAGO, IL 60604			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/607,776

Applicant(s)

HUPPERT, NORMAN K.

Examiner

Winnie Yip

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on June 27, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

This is a first office action.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim language such as “extending” found throughout claims 1 and 2 (line 4) render the claims indefinite **for directly reciting the relationship** between the anchoring assembly and the truss and a building support foundation which are not positively claimed. Due to the confusion, the claims 1 and 2 are being treated as a sub-combination, the anchoring assembly it self on the merits.

Further, regard to claims 1 and 2, line 5, the recited features “an upper attachment end” (claim 1) and “an upper threaded end” (claim 2) are confusing whether they refer to the rod means or to the truss. Appropriated correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3637

4. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Gozdziaik (US Patent No. 5,303,520).

Gozdziaik shows and discloses a truss anchoring assembly comprising a connection bracket having an U-shaped bracket (30) and a block (54) affixed to an exterior wall of the U-shaped bracket, the block having a threaded hole to receive a threaded upper end of a vertical rod (see col. 2, lines 3-8).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alvarez (US Patent No. 5,335,470) in view of Huovinen (US Patent No. 1,657,441).

Alvarez shows and discloses a truss anchoring assembly for anchoring a truss to a building structure, comprising a rod means (52) having an elongated extension (42) having an upper end and a lower end, a bracket means including a U-shaped bracket (50) having an upper wall for contacting a truss (T) and a pair of sidewalls for contacting the sides of the truss, the bracket (50) having a securement ledge extending outwardly from one side wall of the U-shaped bracket and positioned offset from the truss, the securement ledge having threaded portion (70) to receive the upper attachment end of the rod means to provide a securing means for securing the bracket means to the truss when the U-shaped bracket is forced down to the truss, wherein

Art Unit: 3637

the lower end of the rod means extends downwardly and secured to a wall of the building structure. Although Alvarez does not describe the lower end of the rod means being secured to a support foundation, Huovinen teaches an anchoring assembly comprising a U-shaped bracket (20) secured on the truss (22) and rod means (18) having upper end connected to the bracket and the lower end extending downward through the building wall (10) and secured to a building support foundation (16). Therefore, it would have been obvious to one ordinary skill in the art to modify the anchoring assembly of Alvarez having the lower end of the rod means being equal well to extend downward through the support wall and secured to the support foundation as taught by Huovinen, as known mounting method in the art, for providing stronger support for anchoring the truss to the building structure through the support foundation.

***Claim Rejections - 35 USC § 102 or 103***

7. Claim 2-4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gozdzia (US Patent No. 5,303,520).

Gozdzia shows and discloses a truss anchoring assembly comprising a rod means (52) having a lower end capably extending downward to be secured to a support foundation, an elongated extension (50) extending upwardly from the lower end to an upper attachment/threaded end, a bracket means including a U-shaped bracket (30) having an upper wall for contacting a truss (16) and a pair of sidewalls for contacting the sides of the truss, securement means including holes (32) on the upper wall for receiving fasteners for securing the bracket means to the truss, and the securement means further including a block member (54) affixed to one of the side wall of the bracket in an angular orientation, the block member (54)

Art Unit: 3637

having a threaded hole positioned offset from the truss to receive the upper attachment/threaded end of the rod means for connecting the bracket means to the truss and capably anchoring the truss to a building support foundation. Gozdzia teaches all structural features of the anchoring member as claimed except that Gozdzia does not show the rod means having the lower end being secured to a support foundation, since application only recites the support foundation in the preamble, and Gozdzia teaches the anchoring assembly having the rod means extending downward from the bracket means for anchoring the truss to the building wall which is secured to the support foundation. Therefore, it would have been obvious to one ordinary skill in the art to modify the anchoring assembly of Gozdzia having the rod means being equal well to extend downward further and secured to a support foundation, as known mounting method in the art, for providing stronger support to the building structure.

#### *Citations*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coxum '935, Phillips '993, Kalker, Cornett, Sr. et al. '339, Jr. et al. '524 teach various truss anchoring assemblies for mounting a building frame to a foundation similar to the claimed invention. Fine '145, Samford '690, Welsh '887, Kalker, Jr. et al. '524 and Logue '465 teach various bracket means for securing the truss as similar to the claimed invention.

#### *Inquiry Contacts*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491 (or 571-272-6870 after April 7, 2005). The examiner can normally be reached on M-F (9:30-5:30).

Art Unit: 3637

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486 (or 571-272-6867 after March 29, 2005). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3637

wsy  
March 18, 2005